

Legal Non-Conforming Junkyards

MnDOT is required to monitor state highways and the interstate for junkyards that do not conform to state and federal law. MnDOT will:

- Enforce state and federal laws
- Maintain an inventory of legal non-conforming junkyards that are not in compliance with state law and document extent of the junk so that an illegal expansion does not occur.
- Maintain an inventory of legal non-conforming junkyards that MnDOT has cleaned up, relocated or screened to ensure they remain in compliance with state law.

MnDOT Does Not Acquire Fee Title Land for Screening or Junk during Removals

MnDOT Junkyard Control Program identifies removal of non-conforming junkyards as the best, long-term, cost-effective solution for the state. This improves scenic value and eliminates ongoing maintenance liability of the state.

MnDOT does not acquire land in fee title but will acquire an easement for placement of screening materials. In recent years all rights acquired by the state were added to the property title as a condition of payment for the easement and screening.

MnDOT does not acquire any interest in the junk or manage any aspect of its removal. The land owner is paid the preapproved bid price for the cost to remove junk and all costs associated with the cleanup and disposal of junk from the property after all work is complete to the satisfaction of the state.

Clean up of Legal Non-Conforming Junkyards

The land owner is paid 100 percent of the preapproved bid price for consolidating, crushing, loading, site cleanup and transporting scrap metal or other junk materials to a legally approved processing plant or a legally authorized disposal facility in that region of the state. The owner receives the full market value, if any, of the scrap metal or other materials directly from the processing or disposal facility.

MnDOT staff must comply with these right of way processing requirements:

- Document number of junk cars or equivalent volume of material by type
- Estimate the cost for removal of the junk (obtain two to five competitive bids for removal)
- Prepare an estimate of land value and written right of way agreement for loss of land use
- Pay 100 percent of authorized crushing, loading and transportation costs to the nearest recycling processor
- Pay 100 percent of authorized site cleanup and removal costs

The land owner must sign a right of way agreement before the site is cleaned. A permanent restriction may be placed on the property title when the landowner and MnDOT sign the right of way agreement. A more detailed description of the processing requirements is listed in the MnDOT Right of Way Manual (<http://www.dot.state.mn.us/row/rowmanuals.html>).

Best Time to Contact Junkyard Owners

The best time to contact junkyards owners is when scrap metal prices are high. This gives junkyard owners the incentive to pick the best time to clean up their property.

Condemnation

Condemnation can be used to agree on property value loss. State law permits the use of commendation to remove a junkyard, however, it should only be considered after all other options have been exhausted.

On- or Off-site Relocation of Legal Non-Conforming Junkyards

Relocation On-Site

If it is not possible to negotiate with the owner for complete removal of junk, relocation on-site is the next best solution.

- Relocate material that is visible from the highway to a location on the property that is not visible from the highway.
- Acquire rights to the land that has been cleared through a right of way agreement, which acquires the land use rights.
- Record the property use restriction on the property title.
- Send a conformance letter to the land owner by certified mail.
- Retain a copy of the letter and certified mail receipt in the site file.

Relocation Off-site

If relocation on the existing site is not possible, work with the owner to relocate to an area that is compatible with local zoning restrictions and is not visible from any existing or future state highway.

The program also will cover damages or loss in value, if any, to the legal non-conforming junkyard land, based on before and after appraisals. MnDOT will not participate in the purchase of land or screening cost of the new site.

Relocation Process

Land owners are eligible for 100 percent reimbursement of the allowable relocation costs. Notify the MnDOT District Right of Way Engineer if the owner decided the junkyard will be relocated either on-site or off-site. MnDOT District Right of Way staff will discuss allowable relocation costs and negotiate with the land owner conditions of relocation. The state will not participate or direct any actions of the land owner or their representative and will not pay for cleanup of any on-site pollution resulting from actions taken by the land owner or their renters prior to, during or following the owners' actions to clean up junk material. The Statewide Junkyard Program Manager is available to review statewide funding and legal issues during this process.

Screen Non-Conforming Junkyards

Screen junkyards when the land owner is not interested in cleanup or relocation on-site or off-site.

It is important to make an effort to consolidate material in the junkyard and relocate junk to an area of the property best suited for screening.

Screening Requirements

The district must assign a project manager who will be responsible for working with the land owner to develop a mutually acceptable design solution. The project manager will follow all environmental and plan design and review standards. In addition, the project manager will manage all internal and external project reviews and approvals, including local zoning administrators and other agencies, and prepare all construction contract documents. This work includes:

- Site evaluation and on-site meeting with land owner and District Right of Way Engineer
- Land survey request and site analysis for screen placement and heights
- Selection of screen type
- Review of on-site signing options with land owner
- Bid document reviews and submittal

Design considerations:

- Screen easement locations
- Screen length and height
- Access for MnDOT or contractor for screen construction/maintenance/repair
- Screening agreement data for District Right of Way Engineer
- Site landscaping and visual quality of screen
- Efficient junkyard operations

Screening Process

The District Project Manager will work with the District Right of Way Engineer and jointly conduct all discussions and negotiations for screening easements, legal access to the property for construction and maintenance of the screen, and processing of screening agreements. MnDOT staff will follow all procedure specified in the MnDOT Right of Way Manual (<http://www.dot.state.mn.us/row/rowmanuals.html>).

In most screening agreements, MnDOT is responsible for repairs to junkyard screens it constructs only if the screen is damaged by natural causes or there are material defects in the screen. Damage to junkyard screens caused by the land owner, junkyard operator or their guests must be repaired by the responsible party. Review distribution of responsibilities listed in the Right of Way agreement executed by MnDOT for a specific junkyard because legal responsibilities may vary.

Conformance Letter

Send Letter of Conformance by Certified Mail

When the junkyard is screened, cleaned up or relocated, send a letter of conformance by certified mail to the land owner and place a copy in the site file.

Legal Non-Conforming Junkyard in Violation after Conformance Letter is sent

If junk becomes visible from the state highway after a conformance letter has been sent, the junkyard will be in violation of state law and is illegal. This can occur due to collecting new junk on the property in view from the highway, unrepaired damage to the screen or by stacking junk above or in front of a screen.

If the junkyard becomes illegal, contact the land owner in person. If junk is not removed, send the land owner a violation notice requiring removal of visible material. Maintain accurate records of all actions taken on all non-conforming junkyards that become illegal, including date stamped photos.